

ABC, Inc.



John W. Zucker
Senior Vice President
Law & Regulation

May 6, 2011

By Hand Delivery

EEO Staff
Policy Division

Mr. Lewis Pulley
Assistant Chief, Policy Division

Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WLS-TV, Chicago, IL
Facility ID # 73226

Dear Mr. Pulley:

I write on behalf of WLS Television, Inc. ("Licensee"), licensee of WLS-TV (sometimes referred to below as the "ABC7" or the "Station"), Chicago, Illinois, in response to your March 29, 2011 letter regarding a random audit of the Station's Equal Employment Opportunity (EEO) program in accordance with Section 73.2080(f)(4) of the Commission's rules.

WLS-TV is an equal opportunity employer with a longstanding commitment to a policy of providing equal employment and advancement opportunities for all qualified individuals without regard to race, religion, color, sex, sexual orientation, gender identity, national origin, age, marital status, covered veteran status, mental or physical disability, pregnancy, or any other protected characteristic established by law. This commitment to fair employment practices applies to every aspect of the employment process to ensure that equal consideration is extended to all employees and applicants in recruitment, selection procedures, employee development, performance evaluation, promotions, transfers, benefits and other aspects of employment. It is also the Station's policy to promote the full realization of equal employment opportunity through a positive, continuing program of specific recruitment, outreach, hiring, promotion and other practices designed with that goal in mind.

We will address in order each applicable inquiry posed in your letter.

Question 3(a): Annual EEO public file reports. Copies of WLS-TV's two most recent annual EEO public file reports filed as of August 1, 2009 (for the period July 16, 2008 through July 15, 2009) and August 1, 2010 (for the period July 16, 2009 through July 15, 2010) pursuant to 77 West 66th Street New York, NY 10023-6298 (212) 456-7387 Fax (212) 456-2150
E-mail: john.w.zucker@abc.com

Section 73.2080(c)(6) of the Commission's Rules are attached hereto as *Exhibit 1*.¹ Both are in the Station's public inspection file. The most recent report is also accessible at ABC7Chicago.com by clicking on the "ABC7 Jobs" link toward the bottom of the left-hand menu bar on the home page, or through the following hyperlink:

http://abclocal.go.com/wls/channel?section=resources/inside_station/station_info&id=7105379.

Except as otherwise indicated, all information provided below in response to Questions 3(a), (b), (c) and (d) is taken from representations previously made in the Station's last two annual EEO public file reports.

During the two years covered by these two annual reports, the Station filled the following 13 positions:

- Morning News Writer/Producer, open 5/29/08, filled 8/4/08
- Website Producer, open 11/4/08, filled 12/12/08
- Reporter, open 1/7/09, filled 2/10/09
- Special Projects Producer, open 2/12/09, filled 3/16/09
- Receptionist/Guest Relations, open 8/3/09, filled 8/17/09
- Director/Stage Manager, open 7/21/09, filled 8/25/09
- Vacation Relief Photographer/Editor/Technician, open 9/9/09, filled 10/27/09
- Engineering Technical Supervisor, open 9/24/09, filled 10/27/09
- Vacation Relief Desk Assistant, open 11/10/09, filled 12/1/09
- Non Linear Editor/Media Manager, open 12/17/09, filled 2/25/10
- Sales Assistant, open 1/13/10, filled 3/16/10
- NABET Photographer, open 3/3/10, filled 4/6/10
- Graphic Designer, open 5/10/10, filled 7/5/10

Question 3(b): Job announcements. In compliance with the Commission's EEO rules, WLS-TV widely publicized all full-time non-temporary job vacancies throughout the period covered by this audit. Notices of all full-time, non-temporary positions filled during the two years in question were posted on the WLS-TV (ABC7) website and the internal and external websites listing Disney jobs and were faxed or emailed to the Station's organizational mailing list.²

¹ The report originally filed on August 1, 2010 misreported the dates of three long-term menu option initiatives. When these errors were discovered, during the preparation of this audit report, a revised report reflecting the correct dates was prepared, and the revised report was filed and posted alongside the original report in the Station's public file and on the Station's website. See fn. 5 *infra* for details. Both the original and the revised 2010 report are included within *Attachment A*.

² One of the organizations included on the Station's organizational mailing list, the Connecticut School of Broadcasting, did not join the mailing list until January 23, 2009. Therefore, the documentation will show that notice of the first three positions filled in 2008-09 and itemized on the August 2009 annual EEO public file report were not sent to this organization. Subsequent positions were sent to this organization via the email contact information it provided.

Throughout the two-year period covered by this audit, the ABC Media Networks Human Resources Department had a contract with The Direct Employers Association requiring Direct Employers to distribute notice of all full-time WLS-TV positions to Direct Employers' network of hundreds of organizations that cater to students, alumni, veterans, minorities, disabled individuals, and individuals seeking employment information. Pursuant to this arrangement, all notices posted on the Disney Jobs website were made available to Direct Employers to be posted on its own website, <http://www.jobcentral.com/>, forwarded to the appropriate state employment agency (in the case of WLS-TV, the Illinois Department of Employment Security), and made available to its hundreds of organizational partners.³

The final position, for Graphic Designer, was posted not only through the means specified above but also on the Promax/BDA website.

Copies of all available job announcements (redacted to remove any confidential user names and passwords) are attached hereto as *Exhibit 2*.

Question 3(c): Total Number of Interviewees and Referral Source for Each Vacancy

- Morning News Writer/Producer, open 5/29/08, filled 8/4/08. Of nine persons interviewed, one learned of the job from the ABC7 website, three were employee referrals, one was an industry referral, three were in-house staff employee applicants and one was an in-house daily hire employee applicant. The referral source for the candidate hired was the ABC7 website.
- Website Producer, open 11/4/08, filled 12/12/08. Of three persons interviewed, one learned of the job from the ABC7 website, one was from 602 Communications (one of the EEO recruitment sources on the Station's local organizational mailing list) and one was an in-house daily hire employee applicant. The candidate hired was the in-house daily hire employee applicant.
- Reporter, open 1/7/09, filled 2/10/09. Of nine persons interviewed, one learned of the job from the Disney Jobs website, one from the ABC7 website, three came from talent agents, one was an industry referral, two were in-house staff employee applicants and one was an in-house daily hire employee applicant. The candidate hired was an in-house staff employee applicant, and this position represented a promotion for that individual.

³ Unfortunately, the Direct Employers system does not provide a method for tracking the partner organizations that picked up a particular job posting. It does provide a method for confirming the posting on the state workforce centers such as the Illinois Department of Employment Security and with a network of veterans' organizations. However, as we have previously advised the Commission, the ABC Media Networks Human Resources Department learned in late August 2009 that even though Direct Employers had consistently made its postings available to a list of hundreds of organizations, it inadvertently failed, from August 4, 2007 through December 31, 2008, to forward postings to some state workforce and veterans' centers to which it had said the postings would be forwarded. This may account for those positions for which such documentation does not exist.

- Special Projects Producer, open 2/12/09, filled 3/16/09. Of seven persons interviewed, two learned of the job from the ABC7 website, one was an employee referral, one was an in-house staff employee applicant and three were in-house daily hire employee applicants. The referral source for the candidate hired was the ABC7 website.
- Receptionist/Guest Relations, open 8/3/09, filled 8/17/09. Of eight persons interviewed, five learned of the position from the Disney Careers website, two learned of it from the ABC7 website, and one was an in-house temp agency employee applicant. The candidate hired was the in-house temp agency employee applicant.
- Director/Stage Manager, open 7/21/09, filled 8/25/09. Of seven persons interviewed, five were in-house staff employee applicants and two were in-house daily hire employee applicants. The candidate hired was an in-house staff employee applicant and this new position represented a promotion for him.
- Vacation Relief Photographer/Editor/Technician, open 9/9/09, filled 10/27/09. Of nine persons interviewed, two learned of the position from the Disney Careers website, two learned of it from the ABC7 website, one was an employee referral, one was a union referral, and three were in-house daily hire employee applicants. The candidate hired was an in-house daily hire employee applicant.
- Engineering Technical Supervisor, open 9/24/09, filled 10/27/09. Of three persons interviewed, all were in-house vacation relief employee applicants. The person hired was one of the in-house vacation relief employee applicants and this new position represented a promotion for her.
- Vacation Relief Desk Assistant, open 11/10/09, filled 12/1/09. Of ten persons interviewed, three learned of the position from the Disney Careers website, one through the National Association of Black Journalists (one of the EEO recruitment sources on the Station's organizational mailing list), five were employee referrals, and one was an in-house daily hire employee applicant. The candidate hired was the in-house daily hire employee applicant.
- Non Linear Editor/Media Manager, open 12/17/09, filled 2/25/10. Of six persons interviewed, one learned of the position through the Disney Careers website, one from the ABC7 website, one was an industry referral, one was an in-house staff employee applicant and two were in-house daily hire employee applicants. The candidate hired was the in-house staff employee applicant.
- Sales Assistant, open 1/13/10, filled 3/16/10. Of 25 persons interviewed, 12 learned of the position through the Disney Careers website, three through the ABC7 website, four were employee referrals, five were industry referrals and one was an in-house staff employee applicant. The referral source for the candidate hired was the Disney Careers website.

- NABET Photographer, open 3/3/10, filled 4/6/10. Of ten persons interviewed, three learned of the job from the ABC7 website, one was an in-house staff employee applicant, three were in-house vacation relief employee applicants, one was an employee referral and two were in-house daily hire employee applicants. The candidate hired was an in-house vacation relief employee applicant.
- Graphic Designer, open 5/10/10, filled 7/5/10. Of nine persons interviewed, two learned of the job from the Disney Careers website, two from the ABC7 website, one from the Promax/BDA website, two were industry referrals and two were in-house daily hire employee applicants. The candidate hired was one of the in-house daily hire employee applicants.

Question 3(d): Documentation of recruitment initiatives.

As of April 21, 2011, WLS-TV had a total of 272 full-time, non-temporary employees. According to the OMB website, the most recently available census information available for the Chicago metro statistical area, where the Station is located, puts its population at 9,580,567.⁴ Therefore, pursuant to 47 C.F.R. §§ 73.2080(c)(2) and (e)(3), the Station is required to perform four long-term recruitment initiatives within a two-year period. Information about the long-term recruitment initiatives in which the Station engaged is attached hereto as *Exhibit 3* (with names of interns and calendar entries not pertinent to the event at issue redacted).

College Internship Program

During both reporting years, WLS-TV participated in a college internship program in which students from various educational institutions were encouraged to work at the Station in exchange for course credit, broadcast experience, and exposure to the broadcast industry and personnel. Each internship lasted approximately 12-15 weeks, with each student working about 20 hours per week for school credit. To recruit college interns, the Station's Internship Coordinator visited several local colleges and contacted internship directors of other colleges and universities around the country. Information about the internship program was also posted continuously on the Station's website.

During the reporting period, WLS-TV made available internships in numerous different areas at the Station, including News, Sports, Creative Services/Promotions, Creative Services/Programming, Creative Services/Graphics, Sales, On-Line Operations, and Weather (2009-10 only). Detailed descriptions of intern responsibilities and educational opportunities by department are provided in the internship attachments to the two annual EEO public file reports attached as *Exhibit 1*.

⁴ This data was found at <http://www.census.gov/popest/metro/CBSA-est2009-annual.html>. According to this website the 2010 census information will not be available until 2013.

Approximately six dozen students participated in the Station's internship program during the two years in question. The number of participating interns from each college or university assigned to each department, along with the starting and ending months of their internships, is also provided in the internship attachments to the two reports contained within *Exhibit 1*.

When regular paid positions open up at WLS-TV, qualified current or former interns and part-time or temporary employees are given special consideration. A number of former Station interns have gone on to careers in various departments within WLS-TV and its sister ABC organizations. Examples are provided within the body of the two reports included in *Exhibit 1*.

Job Fairs

In July of 2008, the Station hosted a booth at the Unity: Journalists of Color, Inc. Conference. News Director Jennifer Graves and Executive Producers Anthony Shute and Wilson Toy, all of whom have input into hiring decisions, attended and collected resumes of potential job applicants. Ms. Graves, Mr. Shute and Mr. Toy reviewed applicant reels and counseled journalists on what hiring managers hope to see when screening audition tapes.

Career Days/Station Tours/Community Visits

During the two years covered by this audit, WLS-TV employees and on-air talent have given at least twenty career-oriented talks to students from elementary school to college age. They included talks by the following personnel at the following locations and on the following dates:

- Cheryl Burton (news anchor), Kennedy King College, Chicago, IL, 4/16/09
- Tracy Butler (meteorologist), El Sierra Elementary, Downers Grove, IL, 11/20/08
- Mike Caplan (weathercaster), Country Meadows School, Long Grove, IL, 11/13/08
- Alan Krashesky (news anchor/reporter), Kennedy Junior High School, Lisle, IL, 4/24/09
- Phil Schwarz (meteorologist), Gavin Middle School, Ingleside, IL, 4/7/09, and St. Francis de Sales High School, Chicago, IL, 4/7/09
- Rosalyn Varon (traffic reporter), Roosevelt Middle School, River Forest, 5/14/09
- Mike Caplan (meteorologist), Country Meadows School, Long Grove, IL, 11/10/09, and Kildeer Countryside Elementary School, Long Grove, IL, 11/17/09
- Jennifer Graves (News Director), station tour for student participants in Free Spirit Media Program, a Chicago public high school media group, Chicago IL, 5/13/10
- Alan Krashesky (news anchor/reporter), River Woods Elementary School, Naperville, IL, 10/13/09, and Neuqua Valley High School, Naperville, IL, 10/22/09

- Phil Schwarz (meteorologist), St. John Brebeuf School, Niles, IL, 10/5/09; Isaac Fox Elementary School, Lake Zurich, IL, 12/7/09; Pleasant Lane Elementary School, Lombard, IL, 12/7/09; Gavin Middle School, Ingleside, IL, 4/26/10; and Madison Elementary School, Hinsdale, IL, 6/29/10⁵
- Rosalyn Varon (traffic reporter), Roosevelt Middle School, River Forest, IL, 5/13/10
- Linda Yu (news anchor), Mark Sheridan Academy, Chicago IL, 2/16/10, and Northeastern Illinois University, Chicago IL, 3/31/10

Media Trade Group Postings

During the two years covered by this audit, the Station posted all of its full-time job openings on the employment page of the website of the Illinois Broadcasters Association and with several other media organizations with substantial representation of women and minorities. Evidence of these postings is included within *Exhibit 2*.

Question 3(e): EEO complaints during current license term. During the current license term,⁶ one complaint involving the Station was filed alleging unlawful discrimination in its employment practices on the basis of race, religion, national origin, or sex. Immediately below is a brief description of the allegations and issues involved, along with the name of the complainant and other persons involved, the date the complaint was filed, the court or agency before which it is pending or by which it was resolved, the file number, and the disposition and date thereof or current status:

David Kenebrew v. WLS-TV, EEOC Charge No. 440-2011-02726, filed 3/17/11:

WLS-TV employee David Kenebrew alleged that he was reassigned from his full-time position to an "as needed position" based on his race. As a result, he claimed, the reassignment caused him to lose his benefits and incur a reduction in wages. The company responded on April 19, 2011. On April 28, 2011, the EEOC dismissed the claim, stating that it was "unable to conclude that the information obtained establishes a violation of the statutes."

Question 3(f): EEO enforcement policies and responsibilities.

⁵ The Station's annual EEO public report as filed on August 1, 2010 incorrectly listed the date for Mr. Schwarz's Isaac Fox and Pleasant Lane Elementary School visits as 12/17/09 rather than 12/7/09, and the date for his Gavin Middle School visit as 4/5/10 rather than 4/26/10. The Station first realized these errors when it reviewed the previously reviewed back-up documentation once again for purposes of this audit. As of April 25, 2011, the Station amended its 2010 annual EEO public file report to correct the dates of these three events. It also placed the corrected public report (clearly designated on the front page as "revised as of April 25, 2011") in the Station's public file and posted a copy of the corrected report on the Station website, along with the original versions.

⁶ WLS interprets this phrase, as used throughout the Commission's audit letter, as referring to the license term beginning on December 1, 2005, which is supported by the Commission's most recent listing of license terms, as printed in the Federal Register. See Station License Period, 76 Fed. Reg. 20,249 (Apr. 12, 2011) (to be codified at 47 C.F.R. 73.1020(a)(8)(ii)). WLS-TV's application to renew its license effective on that date has not yet been granted, but the Station has been operating pursuant to temporary authority pending action on its 2005 renewal application.

In accordance with Section 73.2080(b) of the Commission's Rules, the Licensee, together with its parent companies ABC, Inc. and The Walt Disney Company, is an equal opportunity employer committed to maintaining a strong policy and practice of prohibiting discrimination. The responsibility for maintaining this policy and practice rests primarily with the management of the ABC Owned Television Group; the ABC Media Networks Human Resources Department; the ABC Legal Department; the management of WLS-TV, including its President and General Manager; its Business Manager, Payroll and Benefits Manager and Staff Accountant; and the department heads responsible for hiring, maintaining and promoting employees within their respective departments. All employees of WLS-TV are also expected to be aware of its EEO policy and assist in effectively maintaining it.

The Station's EEO policies and practices are communicated to Station employees as follows.

First, all new Station employees (other than NABET-represented employees) receive copies of the following upon hire, the receipt of which they are required to acknowledge in writing: (a) the company's policies on equal employment opportunity ("EEO Policy") and workplace harassment ("Harassment Policy"), (b) the company's policy on computer usage and security ("Computer Policy"), which includes an anti-harassment component, and (c) The Walt Disney Company Standards of Business Conduct ("Standards of Business Conduct"), which include provisions regarding employees' responsibilities toward their fellow employees. All non-NABET-represented employees are also required to undergo periodic on-line training on harassment policy compliance and on the Standards of Business Conduct.

Second, all employees of the company have access on line to an Employee Handbook, which includes the EEO Policy, the Harassment Policy, and the Computer Policy, among other components, and to the Standards of Business Conduct. The EEO Policy and the Harassment Policy, along with other employment-related notifications, are also posted on bulletin boards in the Station's common areas.

Third, all the company's collective bargaining agreements, including the NABET agreement, to which the employees represented by the union have access, include non-discrimination provisions.

Fourth, all employees are advised, through the EEO Policy, the Harassment Policy, and the Standards of Business Conduct, of a mechanism for employees to lodge complaints under any of these policies, anonymously or otherwise, through their Human Resources Department or through a toll-free 24-hour hotline known as the company Guideline. All complaints received are promptly reviewed and investigated by trained professionals within our companies' Human Resources and/or Legal Departments.

Finally, members of the ABC Law & Regulation Department have given presentations, sent memos and conducted conference calls with general managers and other station employees explaining the Commission's EEO rules and emphasizing the importance of strict compliance with

them, and have worked closely with the Station management on an ongoing basis to address any questions and to facilitate and improve compliance with FCC EEO procedures.

Attached as *Exhibit 4* are copies of the EEO Policy, Computer Usage Policy, and Harassment Policy, as taken from the Employee Policy Manual, but also distributed and/or posted as stand-alone documents, and of relevant portions of the Standards of Business Conduct.

Question 3(g): Efforts to Analyze Effectiveness of EEO Recruitment Program and Address Problems

WLS-TV's EEO program is continually evaluated by management. The Station strives to improve and refine its recruitment methods by inviting interested organizations to contact the Station to be added to its mailing list and by periodically updating and expanding its list, and has asked interested organizations to notify the Station if they wish to be added to the Station's local distribution/contact list. During the reporting period, solicitation of organizations for the WLS-TV mailing list was conducted through a combination of on-air announcements broadcast periodically on the Station's analog and high-definition simulcast channels and an on-line notice posted on the Station's website. Documentation of these efforts is attached as *Exhibit 5*.

WLS-TV is also engaged in a continual effort to evaluate the effectiveness of its EEO outreach and recruitment program and to improve and refine it as needed by monitoring the responses that are received and ensuring that the interview pool for each position it fills includes a large number of qualified applicants from diverse sources. The Station continually modifies and regularly expands its recruitment program as needed to fulfill these goals.

Question 3(h): Efforts to Analyze Pay, Benefits, Seniority, Promotions, Selection and Tests.

The Station's management and department heads are aware that all hiring and promotions are to be conducted in a manner that is free of improper discrimination of any kind. The importance of equal opportunity is reinforced in management training periodically conducted on line and/or by the ABC Media Networks Human Resources and Legal Departments. This training also stresses the company's commitment to avoiding all forms of illegal discrimination and sexual harassment. Station management and employees also often consult with the ABC Media Relations Human Resources Department and the ABC Legal Department on a case-by-case basis regarding equal employment opportunity questions and issues.

To the extent Station employees are union-represented, the applicable collective bargaining agreement includes a no-discrimination clause. However, the company's no-discrimination policies apply equally to non-union employees. All employees are expected to conduct themselves in a manner that is free of discrimination against any individual because of race, sex, creed, color, national origin or age in accordance with applicable state and federal law.

When a full-time position becomes available, an internal job posting, which includes job requirements and information about proposed compensation, is sent for review and approval to local and senior management, Corporate Recruiting, Corporate Human Resources and/or Corporate Compensation. Applicants are selected based on academic, experience and skill level. The Station strongly encourages current employees to seek advancement through internal promotion.

The Station strives to ensure that employees are fairly compensated for the work they do. For union-represented employees, seniority and compensation are set forth in the applicable collective bargaining agreement. Senior Station management and the Company's Compensation Department review salaries for employees who are not represented by unions to ensure that those salaries accurately reflect the (i) salary history of the position, (ii) job responsibilities, and (iii) external market data, if available. Senior Station management and the Company's Compensation Department also review the salary increases associated with promotions to ensure that they are fair and equitable.

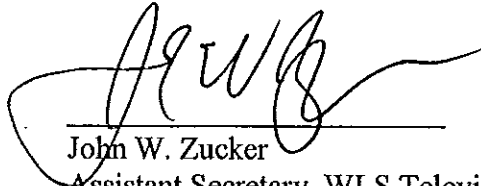
All employee benefit plans are reviewed, communicated and executed by The Walt Disney Company's Corporate Benefits Department and are presented annually to all employees. Information is readily available to all employees via the corporate internet site. Employees also receive information by electronic and/or conventional email.

Question 3 (i): Religious Broadcasters. Does not apply.

Question 4: Time Brokerages. Does not apply.

Please contact the undersigned if you have any further questions or if you would like the Licensee to provide any additional information or materials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JW Zucker', is written over a horizontal line.

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Mr. Lewis Pulley
May 6, 2011
Page 12

bcc w/ atts., hard copy: Kal Hassan (for public file)
 William Barroso

bcc w/o atts., electronic: Emily Barr
 Richard Bonsignore
 Mary Kalanarhos

DECLARATION

WLS-TV, Chicago, IL, Facility ID # 73226

Response to FCC Audit of Station's Equal Employment Opportunity Program

I, John W. Zucker, Assistant Secretary of WLS Television, Inc., licensee of the above referenced station, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.



Signature

5-6-11

Date